

REMARKS

Applicants' respectfully request reexamination and reconsideration of the application in view of the following remarks.

Applicants counsel appreciates having the opportunity to meet with the Examiner in an Interview on September 19, 2002 to discuss the invention and cited references.

Claims 1, 4, 5, and 9 have been amended, claims 12-15 have been canceled, and new claims 16-50 have been added to the application.

The Examiner has provisionally rejected claims 1-15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of copending Application No. 09/815,874.

Enclosed herewith is a Terminal Disclaimer disclaiming any portion of the term of any patent issuing from the instant application past the expiration of any patent issuing from copending application S.N. 09/815,874.

The Examiner has rejected claims 1-15 under 35 USC §103(a) as being unpatentable over Krampe et al. (6,099,682).

Applicant respectfully traverses the rejection and requests that the Examiner withdraw the rejection in view of the following remarks.

As set forth on page 24, lines 1-3, and page 35, lines 3-5, Applicants' composition is a blend of the constituents or compounds as opposed to the cited art references.

The cited Krampe reference teaches a cold seal package and the method for making same. Although the reference teaches the use of an aqueous polyurethane and release agent there are fundamental differences in the application of the aqueous polyurethane dispersion in the cited reference and the instant application. The cited reference by Krampe uses polyurethane to function as an adhesive for as utilized by Krampe it provides adhesion to itself or other materials having similar chemical properties (column 9, lines 59-67) and column 10, lines 1-3). The preferred chemical composition taught by Krampe must adhere to itself or some compatible material having similar chemistry for it has a solid content of about 30 percent.

Applicants' instant invention utilizes the aqueous polyurethane dispersion as a film former, or more particularly in at least one preferred embodiment as a foamy film former due to its ability to cure and form a soft/solid film containing numerous cells or bubbles. Contrary to the teachings of Krampe, Applicant does not utilize the aqueous polyurethane dispersion as an adhesive to adhere to itself or other polymers, nor is it desirable to do so. As set forth at column 2, lines 15-25 the Krampe reference teaches a method of forming a permanent bond (referred to as a cold seal bond or cold seal adhesive bond).

Moreover, the cited Krampe reference teaches the use of an actual release coating in order that the already-adhered polyurethane dispersion to leave the transfer substrate and be moved onto the anchor substrate. Applicants' claimed composition does not include a release coating applied to the an adhesive such as latex or a polyurethane, such as described in column 2, lines 35-45 of the Krampe reference, but utilizes a release agent which is mixed together with the polyurethane dispersion in the liquid state prior to application of the peelable coating which functions based on the physical migration to the interface between the coating and the substrate.

As set forth in column 4, lines 47-50, Krampe states a 'non-fastenable cold seal' means a seal formed between two substrates, which can be two portions of the same substrate such as different portions of contiguous sheet material, using an adhesive or combination of adhesives that can form a bond at room temperature'... Applicant applies its peelable coating to a single substrate.

Krampe teaches in column 15, lines 4-19, that:

"In preferred embodiments, after application of a substantially natural latex rubber-free contact adhesive to a surface of a substrate from a solution or a dispersion, it is preferable that the substantially natural latex rubber-free contact adhesive be dried (typically, in a conventional drying oven) to prevent penetration of the solvent from the adhesive into the substrate. If a release coat is applied to a surface of the substrate from either a solution or a dispersion, it is also preferable that the release composition be dried to prevent penetration of the solvent from the release coating composition into the substrate. More preferably, the release coating composition is dried prior to applying the substantially natural latex rubber-free contact adhesive. Typically, the coating compositions are applied in such a manner as to provide flat, smooth coatings.'

Applicant does not require an oven for drying its peelable coating, nor that the components of the composition be applied in separate coats between drying.

Upon application of Applicant's peelable coating composition upon a substrate, the coating can be peeled from the substrate without leaving a residue. If Applicants' coating is applied to a

substrate and a second coating of Applicants' coating is applied to the first coating prior to curing, Applicants' coating will become permanently bonded to one another contrary to the teachings of Krampe which teaches the bonding of dried layers. Layers of Applicants' coating are peelable from one another if allowed to cure between coats, they bond when applied prior to curing, but not afterwards. Therefor Applicants' invention and the cited reference teach away from one another in the method of use and composition of the chemical constituents necessary for the manufacture and use of the respective products for different purposes.

Finally, none of the Krampe examples utilize a polyurethane dispersion as a single film forming polymer as does Applicants' claimed composition. Krampe's examples teach utilizing a composition of 35% or less of a polyurethane dispersion as an adhesive used only in combination with another selected polymer release coating.

The Examiner has rejected claims 12-15 under 35 USC §103(a) as being unpatentable over Maxwell WO 99/10414.

Applicant respectfully traverses the rejection and requests that the Examiner withdraw the rejection in view of the following remarks. Applicant has canceled claims 12-15 from the instant application without prejudice, not because Applicant is in agreement with the allegations set forth in the Examiner's examination, but because Applicant wishes to pursue issuance of the water-soluble embodiment at this time.

The Examiner has also listed several patents made of record and particularly the Zhang patent 5,616,400 and Isgure et al. patent 4,442,259 and not relied upon which is considered pertinent to Applicant's disclosure. Applicant has reviewed the references

and agrees with the Examiner that while pertinent, the references are no more relevant than the cited references.

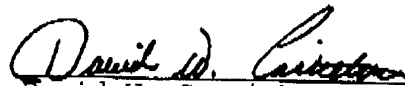
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned 'Version with Markings to Show Changes Made.'

For all of the foregoing reasons, Applicant submits that the claims are patentable over the cited references and that the application is in condition for allowance. Accordingly, Applicant respectfully requests prompt reconsideration and receipt of the formal Notice of Allowance.

Applicant has a total of 46 pending claims including 4 independent claims. Please charge Counsel's deposit account No. 50-0642 for the fee for 26 additional claims over 20 and an a 4th independent claim in the amount of \$572.

If the Examiner believes there are other unresolved issues in this case, Applicant's attorney would appreciate a telephone call at (502) 452-1233 to discuss any such remaining issues.

Respectfully submitted,



David W. Carrithers
CARRITHERS LAW OFFICE
One Paragon Centre
6060 Dutchman's Lane, Suite 140
Louisville, KY 40205
Telephone (502) 452-1233
Reg. No. 35,475

Serial No. 09/693,366

Version with Markings to Show Changes Made

IN THE CLAIMS:

Please cancel claims 12-15 without prejudice.

Please amend claims 1, 4, 5, and 9 as follows:

1. (Once amended) A flat peelable coating composition, [comprising] consisting essentially of a blend of:
an aqueous polyurethane dispersion [resin] in an effective amount ranging from about 60 percent to about 95 percent by weight of the total weight percent of the composition;
a solvent in an amount ranging from about 5 percent to 30 percent by weight of the total weight percent of the composition; and
a release agent in an amount of from between 0.1 and 5 percent of the total weight percent of the composition ,said release agent being selected from the group consisting of soy lecithin, organosilicone fluids, nonylphenoxypoly-(ethyleneoxy)ethanol, oleic acid polyethylene glycol monostearate, petrolatum, sodium alkyl benzene, sulfonates, siloxanes, polyglycols, silicone surfactants, polyvinyl alcohol resins, paraffin and polymeric waxes, and synthetic waxes including low molecular weight polyethylene waxes, and combinations thereof.
2. The peelable coating of Claim 1 including a dye or pigment in an effective amount of from .01 to 10.0 percent by weight.
3. The peelable coating of Claim 1 including a thickening agent in an effective amount of from 0.01 to 5.0 percent by weight.
4. (Once amended) The peelable coating of Claim 1 including an

antifoam in an effective amount of from 0.01 to 1.0 percent by weight, selected from the group consisting of alkanolamides, silicone glycols, alkyl benzene sulfonates, alcohol ethoxylated, phosphate esters, oleates, betaines, alkylphenol ether sulfates, alkylaryl sulfonates, fatty acids, soy lecithin, anionic, cationic, amphoteric, or nonionic surfactants, and combinations thereof.

5. (Once amended) A foamy peelable coating composition, [comprising] consisting essentially of a blend of:

an aqueous polyurethane dispersion [resin] in an effective amount ranging from about 75.0 percent to about 98.0 percent by weight of the total weight percent of the composition;

a release agent in an amount of from between 0.1 and 5.0 percent of the total weight percent of the composition, said release agent being selected from the group consisting of soy lecithin, organosilicone fluids, nonylphenoxypoly-(ethyleneoxy)ethanol, oleic acid polyethylene glycol monostearate, petrolatum, sodium alkyl benzene, sulfonates, siloxanes, polyglycols, silicone surfactants, polyvinyl alcohol resins, paraffin and polymeric waxes, and synthetic waxes including low molecular weight polyethylene waxes, and combinations thereof; and

a propellant in an amount of [from 5.0] up to 20.0 percent of the total weight percent of the composition.

6. The foamy coating of Claim 5 is contained in an aerosol can.

7. The peelable coating of Claim 5 including a dye or pigment in an effective amount of from 0.01 to 10.0 percent by weight.

8. The peelable coating of Claim 5 including a thickening agent in an effective amount of from 0.01 to 5.0 percent by weight.

9. (Once amended) The peelable coating of Claim 5 including a

surfactant in an effective amount of from 0.01 to 10.0 percent by weight, selected from the group consisting of alkanolamides, silicone glycols, alkyl benzene sulfonates, alcohol ethoxylated, phosphate esters, oleates, betaines, alkylphenol ether sulfates, alkylaryl sulfonates, fatty acids, soy lecithin, anionic, cationic, amphoteric, or nonionic surfactants, and combinations thereof.

10. The peelable coating of Claim 5 including an anti-skinning agent in an effective amount of from 0.01 to 1.0 percent by weight.

11. The peelable coating of Claim 5 including a solvent in an effective amount of from 0.01 to 5.0 percent by weight.

12. (Cancel) A peelable coating composition, comprising:
a vinyl toluene acrylate resin in an effective amount ranging from about 10 percent to about 50 percent by weight of the total weight percent of the composition;
a solvent in an amount ranging from about 5 percent to 50 percent by weight of the total weight percent of the composition; and
a release agent in an amount of from between 0.1 and 10 percent of the total weight percent of the composition.

13. (Cancel) The peelable coating of Claim 12 including a dye or pigment in an effective amount of from 0.01 to 10.0 percent by weight.

14. (cancel) The peelable coating of Claim 12 including a plasticizer in an effective amount of from 0.1 to 40.0 percent by weight.

15. (Cancel) The peelable coating of Claim 12 including a filler/thickener in an effective amount of from 0.1 to 10.0 percent by weight.

Please add the following new claims 16-50 as follows:

-Claim 16. (New) A peelable coating composition, consisting essentially of a blend of:

an aqueous polyurethane dispersion in an effective amount of at least 35 percent by weight of the total weight percent of the composition;

an effective amount of a release agent in an amount of from between 0.1 and 5 percent of the total weight percent of the composition.-

-Claim 17. The peelable composition of claim 16, wherein said aqueous polyurethane dispersion contains from 20 to 40 percent by weight solid latex particles and from 60 to 80 percent by weight water.-

-Claim 18. The peelable composition of claim 16 wherein said aqueous polyurethane dispersion contains up to 30 percent by weight solid latex particles.-

-Claim 19. The peelable composition of claim 16, wherein said effective amount of a release agent is from 0.1 to 5.0 percent by weight.-

-Claim 20. The peelable composition of claim 16, wherein said release agent is soy lecithin.-

-Claim 21. The peelable composition of claim 16, wherein said release agent is soy lecithin.-

- Claim 22. The peelable composition of claim 16, wherein said an effective amount of a said release agent is up to 5.0 percent by weight.

- Claim 23. The peelable composition of claim 16 including an effective amount of a propellant.-

- Claim 24. The peelable composition of claim 23 wherein an effective amount of said propellant up to 25 percent by weight.-

- Claim 25. The peelable composition of claim 23 wherein an effective amount of said hydrocarbon propellant is from 5.0 to 20.0 percent by weight.

-Claim 26. The peelable composition of claim 16 including an effective amount of a solvent selected from the group consisting of water, ethyl alcohol, methyl alcohol, isopropyl alcohol, butyl alcohol, and combinations thereof.-

-Claim 27. The peelable composition of claim 26 wherein said effective amount of said solvent is up to 10 percent by weight in addition to said water of said aqueous polyurethane dispersion. -

-Claim 28. A foamy peelable coating composition, consisting essentially of a blend of:

an aqueous polyurethane dispersion in an effective amount ranging from about 35.0 percent to about 98.0 percent by weight of the total weight percent of the composition;

a release agent in an amount of up to 10 percent by weight of the total weight percent of the composition;

and a propellant in an amount of from 5.0 to 20.0 percent of the total weight percent of the composition.-

-Claim 29. The peelable composition of claim 28, wherein said peelable composition contains at least 40 percent by weight solid polyurethane latex resin particles and the remainder water.-

-Claim 30. The peelable composition of claim 28, wherein said peelable composition contains a polyurethane dispersion in an amount of from between 60 to 99 percent by weight.-

-Claim 31. The peelable composition of claim 28 wherein an effective amount of said propellant up to 25 percent by weight.-

-Claim 32. The peelable composition of claim 28 wherein an effective amount of said propellant is from 5.0 to 20.0 percent by weight.-

-Claim 33. The peelable composition of claim 28 wherein said propellant is selected from the group consisting of air and a hydrocarbon propellant.-

-Claim 34. The peelable composition of claim 28 wherein said hydrocarbon propellant is selected from the group consisting of A-31, A-46, A-70, A-108, propane/isobutane blends.-

-Claim 35. The peelable composition of claim 28 including an effective amount of a release agent of up to 10 percent by weight.-

-Claim 36. The peelable composition of claim 28, wherein said effective amount of a release agent is from 0.1 to 5.0 percent by weight.-

-Claim 37. The peelable composition of claim 28, wherein said release agent is soy lecithin.-

-Claim 38. The peelable composition of claim 28, wherein said release agent is selected from the group consisting of soy lecithin, organosilicone fluids, nonylphenoxypoly-(ethyleneoxy)ethanol, oleic acid polyethylene glycol monostearate,

petrolatum, sodium alkyl benzene, sulfonates, siloxanes, polyglycols, silicone surfactants, polyvinyl alcohol resins, paraffin and polymeric waxes, and synthetic waxes including low molecular weight polyethylene waxes, and combinations thereof.-

-Claim 39. The peelable composition of claim 28, including an effective amount of a surfactant.-

-Claim 40. The peelable composition of claim 39, wherein said surfactant is selected from the group consisting of alkanolamides, silicone glycols, alkyl benzene sulfonates, alcohol ethoxylated, phosphate esters, betaines, alkylphenol ether sulfates, alkylaryl sulfonates, fatty acids, soy lecithin, and combinations thereof.-

- Claim 41. The peelable composition of claim 39 wherein said effective amount of said surfactant is up to 10 percent by weight.-

-Claim 42. The peelable composition of claim 39, wherein said surfactant is a nonionic surfactant.

-Claim 43. The peelable composition of claim 28 including an effective amount of a solvent.-

-Claim 44. The peelable composition of claim 28 wherein said effective amount of said solvent is up to 10 percent by weight in addition to the water contained in said aqueous polyurethane dispersion.-

-Claim 45. The peelable composition of claim 28 including an effective amount of a polyglycol.-

-Claim 46. The peelable composition of claim 45 wherein said effective amount of a polyglycol is from between 0.1 and 20.0 percent by weight.-

-Claim 47. The peelable composition of claim 45 wherein said polyglycol is polypropylene glycol.

-Claim 48. The method of applying the peelable composition of claim 16 to a substrate forming a film of from 20 to 40 mils in thickness.-

-Claim 49. The method of applying the peelable composition of claim 16 to a substrate forming a film having a thickness of up to 80 mils in thickness.-

-Claim 50. The method of applying the peelable composition of claim 28 to a substrate forming a foam type peelable coating having a thickness ranging from 0.1 to 1.0 inches in thickness.-